

the existing one story frame dwelling building located on the Paradise

Avenue side of the property. The Petitioner indicated that this

particular structure could not be established as nonconforming.

Therefore, no relief would be sought in reference to this particular

property has been improved with two structures since approximately

structure has been used as two apartments since approximately 1938.

1940. The structure closest to Prospect Avenue which is a two story

The evidence and testimony tends to indicate that the subject

structure and the building will not be used as a dwelling unit.

The evidence tends to establish that the two apartments are located on two separate floors of the building. The building was divided into rental units prior to 1955. The one story structure does not appear to have been occupied as a dwelling unit until approximately 1963 and, therefore, is not nonconforming. The Protestants' primary objection to the subject property and the relief requested is the nature and character of the operation and not the actual existence of the nonconforming use. There was a great deal of testimony by all of the Protestants that the subject property is used and occupied by individuals who have created problems for the community. The tenants have interfered with the community's quiet enjoyment of their properties. Although the subject of the nature and behavior of the tenants is not before the Zoning Commissioner as a

problems, in light of the standards set forth in McKemy v. Baltimore County, 39 Md. App. 257, 385 A2d 96 (1978). The Protestants argue that the subject property is not used as two apartments, but that the entire house is used as a boarding house. Protestants also argue that even if the subject property is not currently used as a boarding house, it was in the past. The evidence concerning this matter is sketchy, at best, and nonconclusive from a legal standpoint. The inspection by Mr. Derek Propalis, Baltimore County Zoning Inspector found that the subject property appears to be divided into two apartments, one on the ground floor and one on the second floor. Mr. Propalis' examination of the property substantiates

that the property is physically divided into two separate apartments.

There is no physical evidence on which to base a conclusion that a

violation, it is with great interest that I note the existence of these

rooming house or boarding house operation is being operated at this

Zoning came officially to Baltimore County on January 2, 1945,

when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations. The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948);

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). Those original regulations provided for nonconforming uses. The

statute read as follows:

Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming struc-

ture shall be damaged by fire or otherwise to the

extent of seventy-five (75%) percent of its val-

ue, the right to continue to resume such noncon-

forming use shall terminate, provided, however,

that any such lawful nonconforming use may be

extended or enlarged to an extent not more

than <u>once again</u> the area of the land used in the original nonconforming use." Section XI, Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section them read: "104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used." Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows: "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)*

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The evidence tends to indicate that the subject property has been used as two apartments in the larger two story structure. The evidence does not establish a nonconforming use for an apartment residential use of the one story structure located upon the subject

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978). The evidence in the record does not indicate any breaks or lapses in the continued abandonment or cessation of the apartment use within the two story

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what e 'ent does the current use of these lots reflect the nature and purpose of the original nonconforming use; (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind; (c) Does the current use have a substan-

tially different effect upon the neighborhood; (d) Is the current use a "drastic enlargement or extension" of the original nonconforming

The only enlargement of the use of the subject property appears to be the expansion of the residential use to the one story structure. This second building expansion has been abandoned and, therefore, has no impact upon the nonconforming status of the two story structure. This property has been used as a nonconforming two apartment building and it has a legal right to continue under the provisions of Section 104 of the Baltimore County Zoning Regulations. That use may not be expanded or altered to incorporate another different or distinct use, such as a rooming house or boarding house.

More specifically, the subject property may not be expanded into more residential uses then are set forth herein. Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Special Hearing should be granted. THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14 day of April , 1989 that the approval of the continued use of the rear building (the one story building) be and the same is hereby dismissed. IT IS FURTHER ORDERED that the approval for the continued use of the front building as a two unit dwelling, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject, however, to the following restrictions: Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order. That the Petitioner and/or the Petitioner's predecessors in title shall not expand the use of this operation beyond the two apartments currently existing in the two story structure. The Petitioner shall cease all residential

use of the one story structure on the Paradise Avenue side of the property on or before May 30, 4. The nonconforming use granted herein shall not be converted or utilized as a rooming house or boarding house.

cc: Peoples Counsel Mr. John Pappas Mr. and Mrs. Charles Finkner Ms. Joan Jarboe



Dawn Oxley Musgrave, Esquire Kandel and Musgrave, Chartered 115 Sudbrook Lane, Suite 202 Baltimore, Maryland 21208

> RE: Petition for Special Hearing Case #89-222 SPH Timothy A. Lawrence, Petitioner

Dear Ms. Musgrave:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party. please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, 2 Robert Haires . Robert Haines Zoning Commissioner

> > Dennis F. Rasmussen
> > County Executive

cc: Peoples Counsel Mr. Timothy A. Lawrence, 127 Arbutus Avenue, Catonsville, Md. 2122 Mr. John Pappes, 119 South Prospect Ave., Catonsville, Md. 21228 Mr. and Mrs. Charles Finkner, 121 South Prospect Ave., Catonsville Ms. Joan Jarboe, 116 South Prospect Avenue, Catonsville, Md. 21228

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

Date: 1/30/89 J. Robert Haines

Mr. Timothy A. Lawrence 129 Arbutus Avenue Catonsville, Maryland 21228

Petition for Special Hearing CASE NUMBER: 89-222-SPH NUC Paradise and Prospect Avenue 133 S. Prospect Avenue 1st Election District - 1st Councilmanic Petitioner(s): Timothy A. Lawrence

HEARING SCHEDULED: WEDNESDAY, FEBRUARY 15, 1989 at 9:00 a.m. Dear Mr. Lawrence:

Please be advised that 19838 is due the above-referenced property. All

d prior to the hearing. Do not remove the sign of it is posted pperty from the time ering itself. BALTIMORE COUNTY, MARYLAND fice, County Office minutes before post set(s), there

B C34**** 13630:39 9=2727-5PH

VALIDATION OR SIGNATURE OF CASHIER

ON-CUSTOMER

J. ROPERT HAINES
Zoning Commissioner of Baltimore County

cc: Dawn Cxley Musgrave, Esq. * Includes prior fees. PETITION' FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(a) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ the continued use of rear building as a dwelling and the continued use of the front building as a dwelling as both uses have been continuous since.....

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MAP ZA

Contract Purchaser:	Legal Owner(s):	SW3E
Contract Purchaser:	Timothy A. Lawrence	
	(Type or Print Name)	E. D/
(Type or Print Name)	In the the Zon	- DATE 5/5/29
	Signature	
Signature	218ugime -	500 XX
		1000 bf
Address	(Type or Print Name)	DP
Vortess		
	Signature	
City and State		
Attorney for Petitioner:		
	129 Arbutus Avenue 747-70	37
Kandel & Musgrave, Chartered	Address	one No.
(Type or Print Name)	Catonsville, Maryland 21228	
La Che human	City and State	,
Signature Dayn Oxley Jusgrave		•
115 Sudbrook Lane, Suite 202	Name, address and phone number of legal	owner, cor-
	tract purchaser or representative to be co	лиастов
Address	Dawn Oxley Musgrave	
Baltimore, Maryland 21208 City and State Attorney's Telephone No.: _486=9020	Name	
City and State	115 Sudbrook Lane, Suite 202	486-9020
Attorney's Telephone No.: _486=9020		hone No.
O Attorney & Telephone 1701	Baltimore, Maryland 21208	
		-
of	of Baltimore County, this	day
ORDERED By The Zoning Commission		ertised, as
5 1 1900, that t	the subject matter of this petition be adv	n through.
of required by the Zoning Law of Baltimore Coun	ty, in two newspapers of general circulate	il autoren
required by the Zoming Law of Baltimore County out Baltimore County, that property be posted,		
out Baltimore County, that property be posted,	100. County Cimes	Baltimore
Commissioner of Baltimore County in Room	December, 1988, at 11	r o'clock
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Peset for 2/15/89 at 9 a.m.	(Robert John	
Sport for 2115/8 lat 14.mc.	7.	
	A. Robert Stationer of Baltim	ore County.
V		
ESTIMATED LENGTH OF HEARING -1/2HR(h-) 1HR.		
ESTIMATED LEADING OF THE FOR EEARING	(over)	

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

z.c.d.vadhable for egaring MON./TUES./WED. - NEXT TWO MONTHS

Petition for Special Hearing

CASE NUMBER: 89-222-SPH

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

January 13, 1989



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

NUC Paradise and Prospect Avenue 133 S. Prospect Avenue 1st Election District - 1st Councilmanic Petitioner(s): Timothy A. Lawrence HEARING SCHEDULED: WEDNESDAY, FEBRUARY 15, 1989 at 9:00 a.m. Special Hearing: The continued use of rear building as a dwelling and the continued use of the front building as a two unit dwelling as both uses have been continous since prior to 1955. BALTIMORE COUNTY, MARYLAND permit may be issued mmissioner will, however, d permit during this ented at the hearing.

NOTICE UP HEARING

The Zening Commissioner of Baltimoni County, by suthority of the Zorung Act and Requisitions of Baltimore County, will hold a public hearing on the property identified herein in Rocom 106 of the County Office Building, located at 111 W. Chesspeate Avenue. In Toward, Maryland as follows:

Puttleon for Special Hearing.

In the event was record as building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such re-

quest must be in writing and receive in this office by the date of the heart

EXHIBIT A

BEGINNING for the same in the center line of Prospect Avenue at the end of a line drawn south 19-3/4 degrees east 266 feet 6 inches from the southwest corner of Lot Number Sixteen (16) on the Plat of "Paradise", hereinafter referred to, thence north 70 - 1/4 degrees east 175 feet 8 inches to a post, thence south 1 degree west 118 feet to the center line of an Avenue leading past Paradise Station, thence binding on the center line of said Avenue south 46 degrees west 147 feet to the center line of Prospect Avenue, thence binding on the center line of Prospect Avenue north 19 - 3/4 degrees west 171 feet to the place of beginning. Containing 1/2 acre more or less. Being part of Lots Fourteen (14) and Fifteen (15), as shown on the plat of "Paradise" which Plat is duly recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 176, folio 170.

SAVING AND EXCEPTING. therefrom so much of such property which by Deed dated July 13, 1970 as recorded among the Land Records of Baltimore County in Liber OTG 5121 folio 701 was granted and conveyed by LESLIE R. WRENN and CHRISTINE S. WRENN, et al, to Baltimore County, Maryland for highway purposes appurtenant to Prospect Avenue and Paradise Avenue.

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-222-5PH

District_15t.	
Posted for: Speciale Hearing	Date of Posting November 16, 1988
Petitioner: Timothy A. Lawr	LMCI .
Location of property: NW/E Paradian	
Posted for: Special Haring. Petitioner: Timethy A. Lawr Location of property: NW/E Paradise of 1.33 S. Prospect Grence Location of Signs: In front of 133	end Prospect arenues
Location of Signer In hont al 123	0 0
J. 193	South Prospect arenue
Remarks:	
Posted by S. J. arata Signature	
Number of Signa:	Date of return: Movember 18, 1988

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER NW Corner Paradise & Prospect Aves. (133 S. Prospect Ave.) OF BALTIMORE COUNTY 1st Election District

TIMOTHY A. LAWRENCE, Petitioner: Case No. 89-222-SPH

1st Councilmanic District

:::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Thyllia Cole Freedman Phyllis Cole Friedman People's Counsel for Baltimore County Max Zumena Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 25th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to Dawn Oxley Musgrave, Esquire, Kandel & Musgrave, Chartered, 115 Sudbrook La., Suite 202, Baltimore, MD 21208, Attorney for Petitioner

> lax Junema Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., november 18 , 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Nov/7, 19 88.

THE CATONSVILLE TIMES THE JEFFERSONIAN.

PO 05848 case 89-222-5Pr

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

price \$ 53.71

1 1	-		89	7-722-5PH
District / M		•	Date of Posting	1-25-89
Posted for:	Morne Hearen	4	***	
Petitioner:	Special Hearen	awrence		
Location of property	NWC Para	dise and	Prospect	avenues.
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Location of Signs:	Un front of	133/0	with Pro	Heert arene
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Remarks:	,			
Posted by	I areta	Date of	f return:	27 - £ 5
Number of Signs:	Signature		retta II.	

MOTICE OF HEARING NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: **PATUXENT** Petition for Special Hearing Case number: 89-222-SPH NWC Paradise and Prospec Avenue
133 S. Prospect Avenue
134 S. Prospect Avenue
1st Election District
1st Councilmanic
Petitioner(s):
Timothy A. Lawrence
Hearing Date: Wednesday,
Feb. 15, 1989 at 9:00 a.m.

THIS IS TO CERTIFY, that the annexed advertisement of

tinued use of rear building as a dwelting and the continued use of the front building as a two unit dwelting as both uses have been continuous aince prior to 1955. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. the front building as a two unit dwelling as both uses have been continuous since prior to 1955. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. was inserted in the following: X THE JEFFERSONIAN Catonsville Times ☐ Booster Weekly ☐ Arbutus Times ☐ Owings Mills Flier ☐ Reporter Weekly ☐ Towson Flier weekly newspapers published in Baltimore County, Maryland once a week for____ _successive weeks before the _____day of January 27 1967 , that is to say, the same was inserted in the issues of January 26, 1989

> PATUXENT PUBLISHING COMPANY 5. Zehe Orlan

Special Hearing: The con-tinued use of rear building as a dwelling and the continued use of the front building as a two unit

J. ROBERT HAINES

neg M25207 Case 89-222-5PH price \$64.69

PO 09020

*IF PHASE II OF SNOT ERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 or 887-3391 TO CONFIRM DATE.

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

Date: BEC 0 8 1949

Mr. Timothy A. Lawrence 129 Arbutus Avenue Catonsville, Maryland 21228

> Petition for Special Hearing CASE NUMBER: 89-222-SPH NUC Paradise and Propsect Avenue

(133 S. Prospect Avenue) 1st Election District - 1st Councilmanic Petitioner(s): Timothy A. Lawrence HEARING SCHEDULED: TUESDAY, DECEMBER 13, 1988 at 11:00 a.m.*

Please be advised that 1/8.69 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines U_{J. ROBERT HAINES} Zoning Commissioner of Baltimore County

Kandel & Musgrave, Chartered

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-222-SPH NWC Paradise and Propsect Avenue (133 S. Prospect Avenue) 1st Election District - 1st Councilmanic Petitioner(s): Timothy A. Lawrence HEARING SCHEDULED: TUESDAY, DECEMBER 13, 1988 at 11:00 a.m. *

Special Hearing: The continued use of rear building as a dwelling and the continued use of the front building as a 2 unit dwelling as both uses have been continuous since prior

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County cc: Timothy A. Lawrence Kandel & Musgrave, Chartered

J. ROBERT HAINES

IF PHASE II OF THE SNOW a.m. ON THE DATE OF THE ABUVE HEARING, SUCH HEAR-RESCHEDULED TENTATIVELY FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 or 887-3391 TO CONFIRM DATE.

Post soft. PARADISE AVENUE / BIRCHWOOD ...

AFFIBAVIT

I, H. Lloyd Pike, reside at 1005 Mountain cZONING OFFICE Road, Chattanooga, Tennessee and am competent to testify to the following facts:

1. I am the youngest and sole survivor of three children of Mr. and Mrs. William Pike, Sr.

2. From the time of my birth until I became an adult, I resided with my parents at the property known as 129 South Prospect Avenue in Catonsville, Maryland.

3. In approximately the middle of the 1930's, our home was converted into two apartments by my parents. My parents continued to reside on the first floor apartment, which consisted of the entire first floor and one bedroom on the second floor.

4. Immediately after the renovation was completed, my brother, Richard Pike and his wife moved into the second floor apartment. Their eldest daughter was born in 1936 while they resided in this apartment.

5. After my brother and his family moved from the apartment, my parents rented the second floor apartment to other tenants who were not members of my immediate

6. After I moved from my parents home, I visited them on many occasions. During these times, I personally observed the occupancy of the second floor apartment by tenants on a regular basis until the time of my father's death and the subsequent sale of the property in 1963.

7. For health reasons, and because of the distance and expense involved, I am not able to appear personally as a witness in any proceedings in Baltimore.

8. I have personal knowledge of the aforesaid facts and am competent to testify to the same.

I hereby affirm under the penalties of perjury that the matters and facts set forth in this Affidavit are true and correct to the best of my knowledge, information and belief.

Date: Feb. 15,1989 H. Lloyd Pike

Witness: Frances D. Pike

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG. 111 w. Chesapeake Ave. Towson Maryland 21204

Department of State Roads Commission Bureau of Health Department Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

Bureau of

Dawn Oxley Musgrave, Esquire Kandel & Musgrave, Chartered 115 Sudbrook Lane, Suite 202 Baltimore, Maryland 21208

RE: Item No. 117, Case No. 89-222-SPH Petitioner: Timothy A. Lawrence Petition for Special Hearing Dear Ms. Musgrave:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on Your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, James & Dyrthe

JAMES E. DYER Zoning Plans Advisory Committee

JED:dt

Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Baltimore County
Department of Public Works

October 28, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 107, 112, 115, 116, (117) 118, 119, 120, 122, 123, 125, 126, and 127

Very truly yours,

Juschard A Floring -Engineering Associate

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of October 1988-

ZONING COMMISSIONER

Petitioner Timothy A. Lawrence Petitioner's Attorney Dawn Oxley Musgrave

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Chief October 3, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Timothy A. Lawrence

Location: NW/corner Paradise & Prospect Avenue

Zoning Agenda: Meeting of 10/4/88 Item No.: 117

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department . of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

39-222-5PH BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Zoning Supervisor

DATE: November 2, 1988

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: Item No. 117 (if known) Petitioner: Lawrence (if known)

VIOLATION CASE # C-89-93

LOCATION OF VIOLATION 133 S. Prospect Avenue

DEFENDANT Timothy A. Lawrence

ADDRESS 129 Arbutus Avenue Baltimore, MD 21228

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

ADDRESS

Margaret Harris

108 S. Prospect Avenue Baltimore, MD 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

The Office of Planning and Zoning has no comment on the above petitions.

PK/sf

ZONING OFFICE

KANDEL & MUSGRAVE, CHARTERED

ATTORNEYS AT LAW

115 SUDBROOK LANE, SUITE 202 BALTIMORE, MARYLAND 21208 4120 (301) 486 9020 FAX: (301) 653 2764

Dawn Oxley Musgrave Paula Marie Kandel* *Also admitted in Flunda Martin M. Kandel

of Counsel

February 23, 1989

Mr. J. Robert Haines Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

> RE: In the Matter of the Petition For Special Hearing of Timothy Lawrence ITEM No. 117

Dear Mr. Haines:

Enclosed herewith please find an Affidavit with regard to the above referenced Petition for Special Hearing to be filed in Item No. 117.

Enclosure cc: File

DOM/cme

Baltimore County Zoning Commissioner
Office of Planning & Zor. 3 Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

March 16, 1989



The state of the s

TELEPHONE: 494-3351

ELECTION DISTRICT:

Dawn Oxley Musgrave, Esquire Kandel and Musgrave, Chartered 115 Sudbrook Lane, Suite 202 Baltimore, Maryland 21208

> RE: Petition for Special Hearing Timothy A. Lawrence, Petitioner Case #89-222-SPH

Dear Ms. Musgrave:

In reviewing the above case file and transcription for the above captioned matter, I noted your request to submit additional affidavits, specifically, Mr. H. Lloyd Pike, has remained unfulfilled. According to my notes in the case file, you were going to supply me with the additional affidavits within ten days of the hearing (Feb.15, 1989).

As of this date, I have not received this information and, I will have no choice but to issue an Opinion based upon the facts in the record, if I do not receive the affidavits immediately.

ZONING ENFORCEMENT SECTION

case number c- 89- 93

KANDEL & MUSGRAVE, CHARTERED

ATTORNEYS AT LAW

115 SUDBROOK LANE, SUITE 202 BALTIMORE, MARYLAND 21208-4120 (301) 486-9020 FAX: (301) 653-2764

Dawn Oxley Musgrave Paula Marie Kandel* *Also admitted in Florida

Martin M. Kandel

Mr. J. Robert Haines Zoning Commissioner for Baltimore County Room 109 County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Petition for Special Hearing/ Timothy A. Lawrence: Petitioner Case No. 89-222-SPH Item No. 117

Dear Mr. Haines:

Enclosed herewith please find the copy of the Affidavit and a cover letter from Mr. H. Lloyd Pike that were originally mailed to your office on February 3, 1989.

Should you need additional information, please contact me. Thank you for your assistance and cooperation.

> Very truly yours, Ďawn Oxley Musgrave

Enclosure cc: File

J. Robert Haines

PK/sf

Zoning Commissioner

Pat Keller, Deputy Director

89-210-SPH (Bell)

FROM Office of Planning and Zoning

BAN IMORE COUNTY, MARY

INTER-OFFICE CORRESPONDENCE

SUEJECT__Zoning Petition Nos. 89-214-A (Hottinger); 89-216-SPHA (Grebe); 89-219-SPHA (Powell); 89-222-SPH (Lawrence); 89-227-A (Stem); 89-232-A (McMillan);

89-234-A (Seven Courts); 89-242-A (Bacharach); and 89-244 (Dickel)

The Office of Planning and Zoning has no comment on the above listed

Date___December 7, 1988

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

March 16, 1989



Dawn Oxley Musgrave, Esquire Kandel and Musgrave, Chartered 115 Sudbrook Lane, Suite 202 Baltimore, Maryland 21208

> RE: Petition for Special Hearing Timothy A. Lawrence, Petitioner Case #89-222-SPH

Dear Ms. Musgrave:

In reviewing the above case file and transcription for the above captioned matter, I noted your request to submit additional affidavits, specifically, Mr. H. Lloyd Pike, has remained unfulfilled. According to my notes in the case file, you were going to supply me with the additional affidavits within ten days of the hearing (Feb.15, 1989).

As of this date, I have not received this information and, I will have no choice but to issue an Opinion based upon the facts in the record, if I do not receive the affidavits immediately.

KANDEL & MUSGRAVE, CHARTERED

ATTORNEYS AT LAW

Dawn Oxley Musgrave Paula Marie Kandel*

"Also admitted in Florida Martin M. Kandel of Counsel

February 11, 1989

Mr. and Mrs. H. Lloyd Pike 1005 Mountain Creek Road Chattanooga, Tennessee 37405

RE: 129 Prospect Avenue, Catonsville, Maryland Dear Mr. and Mrs. Pike:

Thank you so much for your kind offer of assistance to my client, Timothy Lawrence. Mr. Lawrence is required to prove to the Baltimore County Zoning Commissioner that his prove to the pattimore contry Adding Commissioner that his property, located at 129 Prospect Avenue in Catonsville, has been used as apartments since prior to 1954 when the zoning regulations were first instituted. The evidence that you have been able to supply as to when the house was originally converted to multi-family use is invaluable to us.

I have enclosed an Affidavit as to the facts you have described to me over the phone. Please read it and if it complies with your memories of these events, kindly sign the same and return it to me. It is most important that the Affidavit be returned to me as soon as possible, as our hearing before the Zoning Commissioner will take place on Wednesday, February 15th. I must have your response by that time if it is to be of any assistance to my client.

Thank you once again for your kind help. This has been a very interesting case for me. I've learned a great deal about the history of my community, Catonsville, and I am glad to have found you. Please accept my very best wishes

Very truly yours,

Dawn Oxley Musgrave Encl.

115 SUDBROOK LANE, SUITE 202 BALTIMORE, MARYLAND 21208-4120

(301) 486-9020 FAX: (301) 653-2764

THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED. THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED: I ticense peruse all indicensed finespectile ne-

Stop operating the read building as a dwelling OR from that it has been used continuously as a duelling since segue 1455

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

* * * * * CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION * * * *

(3) Reduce the dwelling with in the gent building grand 3 to 1 of since that the againstments existed pier to 1455

Hay question please call

8/31/88 , WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

COPIES: WHITE - Defendant Original GREEN - Defendant Duplicate YELLOW - Complainant

GOLD - Inspection Report

cc: Lawn Eigley Muegran, En

7 PEC 8 1988

ZONING OFFICE

KANDEL & MUSGRAVE, CHARTERED

ATTORNEYS AT LAW

115 SUDBROOK LANE, SUITE 202 BALTIMORE, MARYLAND 21208-4120

Dawn Oxley Musgrave Paula Marie Kandel* *Also admitted in Florida Martin M. Kandel

December 12, 1988

Mr. J. Robert Haines Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue Room 109 Towson, Maryland 21204

Attention: Mrs. Stevens

RE: Petition for Special Hearing/ Case No. 89-222-SPH/ Petitioner Timothy A. Lawrence

Per our conversation of December 12, I understand that you have postponed the above referenced case. I am enclosing herewith a copy of my prior correspondence requesting postponement.

Enclosure cc: File

KANDEL & MUSGRAVE, CHARTERED

ATTORNEYS AT LAW

115 SUDBROOK LANE, SUTTE 202 BALTIMORE, MARYLAND 21208-4120

*Also admitted in Florida

Martin M. Kandel

ZONING OFFICE

Mr. J. Robert Haines Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Special Hearing/ Case No. 89-222-SPH/ Petitioner Timothy A. Lawrence

Dear Mr. Haines:

The purpose of this letter is to request a postponement of the hearing that is set in this matter for December 13, 1988. The reason for this request is that I have received notice that I must attend an emergency Mechanic's Lien Hearing in Baltimore County Circuit Court that is set in for the same time. Please reschedule this case at the earliest possible time.

Please note that no other postponements of this case have been requested.

Should you have any questions, please give me a call.

Very truly yours,

DOM/cme cc: File

dwelling. This dwelling was then occupied by tenants on a continuous basis during the period of the Wren's ownership.

personal knowledge of the same.

10. He is unable to appear in person at the time of the incur as he no longer resides in the Baltimore area.

My commission expires July 1, 1990.

AFFIBAYIT.

I, H. Lloyd Pike, reside at 1005 Mountain Creek Road, Chattanooga, Tennessee and am competent to testify to the following facts:

1. I am the youngest and sole survivor of three children of Mr. and Mrs. William Pike, Sr.

2. From the time of my birth until I became an adult, I resided with my parents at the property known as 129 South Prospect Avenue in Catonsville, Maryland.

3. In approximately the middle of the 1930's, our home was converted into two apartments by my parents. My parents continued to reside on the first floor apartment, which consisted of the entire first floor and one bedroom on the second floor.

4. Immediately after the renovation was completed, my brother, Richard Pike and his wife moved into the second floor apartment. Their eldest daughter was born in 1936 while they resided in this apartment.

5. After my brother and his family moved from the apartment, my parents rented the second floor apartment to other tenants who were not members of my immediate family.

6. After I moved from my parents home, I visited them on many occasions. During these times, I personally observed the occupancy of the second floor apartment by tenants on a regular basis until the time of my father's death and the subsequent sale of the property in 1963.

7. For health reasons, and because of the distance and expense involved, I am not able to appear personally as a witness in any proceedings in Baltimore.

8. I have personal knowledge of the aforesaid facts and am competent to testify to the same.

I hereby affirm under the penalties of perjury that the matters and facts set forth in this Affidavit are true and correct to the best of my knowledge, information and belief.

Date: Fer. 15,1989 H. Lloyd Pike.
II. Lloyd Pike

PPLICATION, AGREEMENT AND THE COMP

Preparation and executation of this form should be under the direction of an attorney.

called agents, from Richard Mc Gowan hereinafter called tenant,

of the sound Force Hundred + F. Ery 18 450) Hollars, in

parment of rental, deposits, and restal fee on premies located at 135 S. PROSPORT AVG

The tenant agrees to rent the subject premises on a month to month I sis at a rental of \$ \(\frac{\fr

1. To use said premises as a residence only No more than 3 persons may reside in this apartment. No petu allowed

2. That the cental of the apartment is with a six (b) months minimum cental. The total deposit will be forfeited if tenant

a. That the apartment is left in an undamaged, clean rentable condition to be determined by the Manager.

4. Tenants are required to give 30 days notice upon vacating premises, or they are subject to paying a month's rent upon vacating. Apartments must be vacated by 1:00 P.M. on the day of vacating or pay another 15 day's rent. (Exceptions

6. No alterations of any kind to the apartment (including painting) shall be made without prior written consent of the owners.

7. It is expressly understood and agreed that the owner of said premises, or said agent will not be liable for any damages or any

B. The tenant hereby gives the owner, in addition to the lien given by law, a lien upon all property situated upon the said."

9. It is understood and agreed that Agent shall have the right to enter and inspect premises at all reasonable times to lineare

10. The Tenant shall not transfer his interest in and to this rental agreement, nor shall the Tenant assign or sublet the said.

33 200 5 the Manager may immediately take possession of said premises and in event of litigation may sue and evict any person or

tenants agree to pay all costs of such action, including such resonable attorney's fees as may be fixed by court.

persons occupying said premises without making the Tenant a party to said proceedings.

injury to tenant or his family or to his or his family's property from whatever cause arising from the occupancy of said

premises, including all furniture and household furnishings, whether said property is exempt from execution or not, for the rent agreed to be paid hereunder, for any darr ge caused by tenant, and for Court costs and attorney's fees incurred

maintenance and safety of premises, and to show the apartment to prospective tenants after notice to vacate has been

premises or any part thereof or, in his or her absence or otherwise, permit others to occupy the apartment without first

having obtained the written consent of the Manager. If the Tenant or subtenant violates the provisions of this paragraph

That the violation of any of the conditions of this agreement shall be sufficient cause of eviction from said premises,

Tenant agrees to sacate premises within 3 days after being notified in writing due to non-payment of rent, breach of this

A deposit is required. This deposit will be returned upon Tenant's vacating if all the provisions of this agreement are complied with, and more specifically but not limited to compliance with the following provisions:

a disposit for by deage, damage or missise of facilities.

MONIES RECEIVED:

\$______a is aming fee. This is a one time charge and is not refundable.

In consideration of the use and occupancy of the premises as herein specified:

(exceptions may be granted by management.)

does not occupy the apartment for the minimum period.

for unusual circumstances may be granted by management.)

agreement or any other reason deemed prudent by Management,

RECEIPT IS HEREBY ACKNOWLEDGED by 7 1 6 1914 20 7 Rome col, hereonafter

Witness: Frances D. Pike Petitioner's Ephibit 11 B

AFFIDAVIT

STATE OF MARYLAND COUNTY OF BALTIMORE

To Wit:

I HEREBY CERTIFY that before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared WILLIAM SEVERN who, in my presence, gave oath in due form of law that:

1. He and Charlotte Severn, his wife, resided at the property known as 125 South Prospect Avenue in Catonsville, Maryland, from 1933 until June, 1988. From 1938 until 1986, his home was located directly adjacent to the property known as 129 South Prospect Avenue.

2. Shortly after moving into his home on South Prospect Avenue, he became good friends with Mr. and Mrs. Richard "Dick" Pike, who resided in the second floor apartment in the house 133 known as 129 South Prospect Avenue. At that time, that house was divided into two apartments. The first floor apartment was occupied by Richard Pike's parents, Mr. and Mrs. William S. Pike.

3. On many occasions, he visited Richard Pike and his family while they resided in the South Prospect Avenue home. During these visits, he personally observed the division of the

CAMBI Z

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	Preparation and	executation of this form should	be under the direction	of an attorney.
	RECEIPT IS HEREBY ACKNOW	VLEDGED by TH G	MANNEW	ment, herei
call	d agents, from	J. Stocke f	1	hereinafter called to
of t	ne sum of / 400	0 /		(\$ 400) Doll
реу	nent of rental, deposits, and rental	l fee on premises located at	33 8 0	PROSPECT
Apa	tment No.		PLUS	13 RLEC. Y
	MON	IIES RECEIVED:		で、ペスタペース
\$_	as dep	oosit for breakage, damage or mis-u	se of facilities.	/2 OIL .
\$	/	osit on keys at per Key.		
s		ning fee. This is a one time charge	and is not refundable	
\$2	100 POR MONTH as rent	t for the period commencing on	P	oc 1 12 8
		NOV 30		
s_	TOTA			•
				•
The	enant agrees to rent the subject	premises on a month to month		400
	ele in advance on the first day of and further agrees:	each and every month. (A penalt	y of Sper day will h	e collected for each days ren
In ∞	nsideration of the use and occupan	ncy of the premises as herein specif	iad:	
l.	To use said premises as a resider	nce only. No more than 🗳 👚	persons may reside in t	his apartment. No pets allos
	(exceptions may be granted by ma			
2.	That the rental of the apartment for	t is with a six (6) manch -:-:-		

vacating. Apartments must be vacated by 1:00 P.M. on the day of vacating or pay another 15 day's rent. (Exceptions for unusual circumstances may be granted by management.)

5. Tenant agrees to vacate premises within 3 days after being notified in writing due to non-payment of rent, breach of this agreement or any other reason deemed prudent by Management. 6. No alterations of any kind to the apartment (including painting) shall be made without prior written consent of the owners.

7. It is expressly understood and agreed that the owner of said premises, or said agent will not be liable for any damages or any injury to tenant or his family or to his or his family's property from whatever cause arising from the occupancy of said premises by tenant and his family.

8. The tenant hereby gives the owner, in addition to the lien given by law, a lien upon all property situated upon the said premises, including all furniture and household furnishings, whether said property is exempt from execution or not, for the rent agreed to be paid hereunder, for any damage caused by tenant, and for Court costs and attorney's fees incurred under the terms hereof. 9. It is understood and agreed that Agent shall have the right to enter and inspect premises at all reasonable times to insure

maintenance and safety of premises, and to show the apartment to prospective tenants after notice to vacate has been 10. The Tenant shall not transfer his interest in and to this rental agreement, nor shall the Tenant assign or sublet the said

premises or any part thereof or, in his or her absence or otherwise, permit others to occupy the apartment without first having obtained the written consent of the Manager. If the Tenant or subtenant violates the provisions of this paragraph the Manager may immediately take possession of said premises and in event of litigation may sue and evict any person or persons occupying said premises without making the Tenant a party to said proceedings.

11. That the violation of any of the conditions of this agreement shall be sufficient cause of eviction from said prem

property into two separate apartments. It was occupied by two separate families continuously during this time.

4. After Richard Pike and his family moved from the second floor apartment, he personally observed that Mr. and Mrs. William S. Pike rented the second floor apartment to other tenants. The property was used continuously as two apartments until the death of Mr. Pike in 1963.

5. Shortly after Mr. Pike's death, the home located at 129 South Prospect was sold to Mr. and Mrs. Leslie Wren, who moved into the first floor apartment that had been occupied by Mr. and Mrs. William S. Pike, Sr.

6. While Mr. and Mrs. Wren owned the property (from 1963 until 1986) they occupied the first floor apartment. The second floor was rented to numerous tenants on a continuous basis during this period.

7. He personally observed the occupation of the second floor by tenants that were not related to Mr. or Mrs. Wren. He can recall no period of time in which the second floor was not rented to tenants during the period in which Mr. and Mrs. Wren owned the property.

8. Shortly after moving to the property, Mr. and Mrs. Wren converted an outbuilding, located in the rear of the house, to a

9. He is competent to testify to the within facts and has

hearing in this matter because of the travel and expense he would

FURTHER that in my presence the Affiant affixed his hand and seal to this document on this 14th day of February, 1989:

WITNESS my hand and notarial seal this 14th day of February,

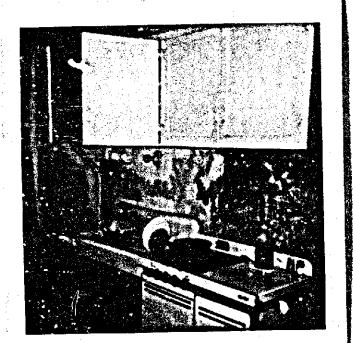
BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

February 23, 1989 TO: J. Robert Haines
Zoning Commissioner

FROM: Derek Propalis Zoning Inspector

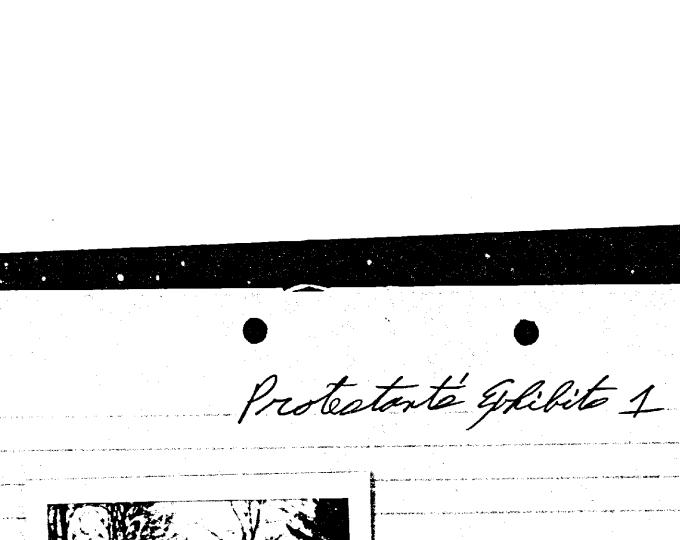
RE: 133 S. Prospect Avenue

Please be advised that the subject property was inspected on February 17, 1989 and both floors were inspected. To my eye, separate apartments existed with separate entrances. The second floor has every appearance of being an apartment. There is a living room (photo enclosed) and a kitchen (photo enclosed) and there are two (2) bedrooms. However, no evidence existed to show that the second floor is a rooming house operation; that is, renting out on a room by room basis. basis.

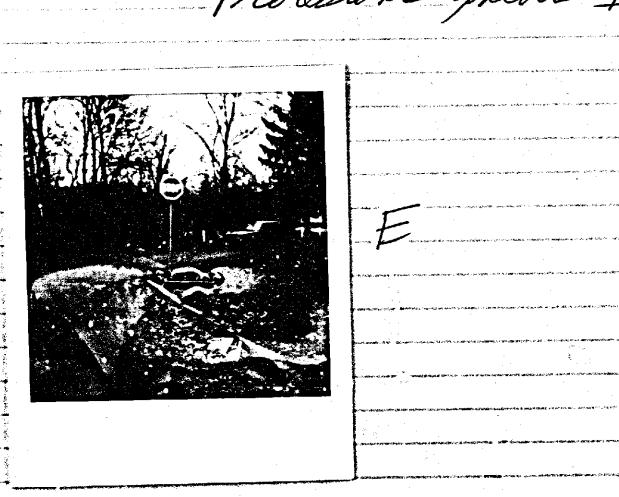


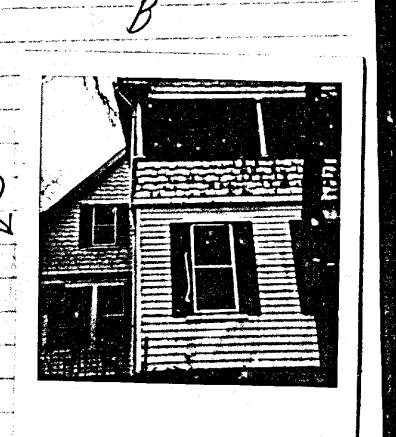


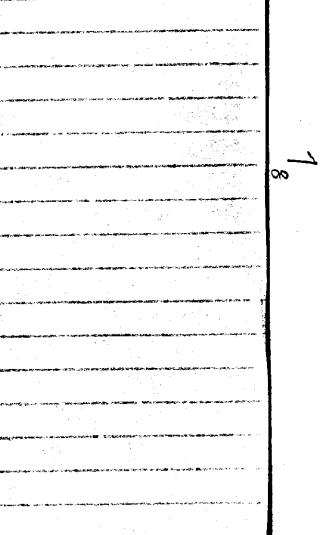
Protestant's Efficient 1



PETITIONER(S) EXHIBIT (3)







BIRCH WOOD

PARADISE AVENUE